

1 THE HONORABLE THOMAS S. ZILLY

2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 WILLIAM L. FLEMING, in his Court-
Appointed Capacity as Probate Guardian ad
Litem for C.O.,

11 Plaintiff,

12 v.

13 PRUDENTIAL INSURANCE COMPANY
OF AMERICA,

14 Defendant.
15

No. 2:19-cv-01328-TSZ

**JOINT MOTION FOR AN
EXTENSION OF REMAINING
DEADLINES AND
ORDER**

16 Plaintiff, William L. Fleming, in his Court-Appointed Capacity as Probate Guardian ad
17 Litem for C.O., (“Plaintiff”) and Defendant, The Prudential Insurance Company of America
18 (incorrectly sued as “Prudential Insurance Company of America”) (“Prudential”) (collectively
19 “the parties”), by and through their undersigned counsel, and pursuant to LCR 7(j) and 16(b)(5),
20 hereby move this Court to extend the deadlines for dispositive motions identified in the Minute
21 Order (ECF No. 15) by sixty (60) days and to continue the trial date and remaining related
22 deadlines. In support of this motion, the parties state as follows:

23 1. On November 8, 2019, the Court entered a Minute Order setting dispositive
24 motion deadline and trial dates, ordering the parties to file Dispositive Motions by April 10, 2020
25 and responses to dispositive motions by April 24, 2020. (ECF No. 15.) The Court also ordered
26 the parties to file motions related to expert witnesses (e.g. *Daubert* Motions) by March 26, 2020
27

1 and the Pretrial Order and Trial Briefs by May 22, 2020 and proposed findings of fact and
2 conclusions of law by May 25, 2020. Finally, the Court set the Pre-trial conference for May 29,
3 2020 at 1:30 PM and the bench trial for June 8, 2020. (*Id.*)

4 2. Given a myriad of unexpected issues arising as a result of the COVID-19
5 pandemic, including significant disruption in the offices of counsel and their clients resulting in
6 inability to fully analyze the issues in this matter and counsel their clients, the parties agree that
7 it would be beneficial to their clients to extend the April 10, 2020 dispositive motion deadline.
8 Moreover, the interests of judicial efficiency and economy will be furthered by this extension by
9 allowing the parties to devote their resources to potentially resolving the matter without
10 unnecessary court involvement. Therefore, the parties respectfully request the Court enter an
11 order extending the April 10, 2020 dispositive motion deadline by sixty (60) days, through and
12 including June 9, 2020, and extending the remaining deadlines as follows:

| Event | Current Deadline | Proposed Deadline |
|--|---------------------------|----------------------------|
| Motions related to expert witnesses (e.g. daubert motions) | March 26, 2020 | May 25, 2020 |
| Deadline for dispositive motions | April 10, 2020 | June 9, 2020 |
| Responses to dispositive motions | April 24, 2020 | June 23, 2020 |
| Agreed pretrial order and trial briefs | May 22, 2020 | July 21, 2020 |
| Proposed findings of fact and conclusions of law | May 25, 2020 | July 24, 2020 |
| Pretrial conference | May 29, 2020 at 1:30 p.m. | July 28, 2020 at 1:30 p.m. |

24 3. This is the parties' first request for an extension of these deadlines.

25 4. This motion is filed in good faith and not for the purpose of unwarranted delay.

26 WHEREFORE, Plaintiff, William L. Fleming, in his Court-Appointed Capacity as
27

1 Probate Guardian ad Litem for minor, C.O., and Defendant, The Prudential Insurance Company
2 of America, respectfully request that the Court enter an order extending the remaining deadlines
3 by sixty (60) days as stated above.

4 DATED: March 19, 2020

5 KELLER ROHRBACK LLP

6
7 s/ Ian S. Birk

8 Ian S. Birk, WSBA No. 31431
9 Ibirk@kellerrohrback.com
10 Gabriel Verdugo
11 gverdugo@kellerrohrback.com
12 1201 3rd Ave, Ste 3200
13 Seattle, WA 98101-3052
14 Phone: 206-623-1900

15 Attorneys for Plaintiff, William L Fleming, in his
16 Court-Appointed Capacity as Probate Guardian ad
17 Litem for minor, C.O.

18 -AND-

19 LANE POWELL PC

20 s/ Sean D. Jackson

21 D. Michael Reilly, WSBA No. 14674
22 reillym@lanepowell.com
23 Sean D. Jackson, WSBA No. 33615
24 jacksons@lanepowell.com
25 1420 Fifth Avenue, Suite 4200
26 P.O. Box 91302
27 Seattle, WA 98111-9402
Tel. (206) 2232-7000 / Fax (206) 223-7107

SEYFARTH SHAW LLP

s/ Shelley R. Hebert

Shelley R. Hebert (pro hac vice)
shebert@seyfarth.com
Amanda A. Sonneborn (pro hac vice)
asonneborn@seyfarth.com

1 Willis Tower
2 233 S. Wacker Drive, Suite 8000
3 Chicago, IL 60606-6448
4 Tel. (312) 460-5000 / Fax (312) 460-7000

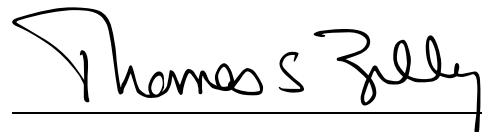
5 Attorneys for Defendant, The Prudential Insurance
6 Company of America
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

ORDER

Based on the parties' joint motion to extend the remaining deadlines, it is hereby ORDERED that the joint motion is granted and that the parties' remaining deadlines are extended as follows:

| Event | Old Deadline | New Deadline |
|--|---------------------------|----------------------------|
| Motions related to expert witnesses (e.g. daubert motions) | March 26, 2020 | May 25, 2020 |
| Deadline for dispositive motions | April 10, 2020 | June 9, 2020 |
| Responses to dispositive motions | April 24, 2020 | June 23, 2020 |
| Agreed pretrial order and trial briefs | May 22, 2020 | July 21, 2020 |
| Proposed findings of fact and conclusions of law | May 25, 2020 | July 24, 2020 |
| Pretrial conference | May 29, 2020 at 1:30 p.m. | July 28, 2020 at 1:30 p.m. |

DATED this 20th day of March, 2020.



Thomas S. Zilly
United States District Judge